

Serial No. 09/531,759
Reply to July 9, 2003 Office Action
Amendment dated October 6, 2003

Docket No. P-093

REMARKS

Claims 1-3, 5, 18-20, 22, and 24-32 are pending in this application. By this Amendment, claims 4, 21 and 23 are canceled without prejudice or disclaimer, claims 1, 20, 22 and 24-26 are amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Applicant gratefully acknowledges the Office Action's indication that claims 2-4, 19, 21, 23 and 24 define patentable subject matter. In order to expedite prosecution, Applicant hereby incorporates allowable features from the above-listed claims defining patentable subject matter into each of the independent claims. Withdrawal of all rejections is respectfully requested.

I. **35 U.S.C. § 102(b)**

The Office Action rejects claims 1, 5, 18, 20, 22 and 27-32 under 35 U.S.C. § 102(b) over Konishi et al. (JP 10125228A). The Office Action states the Examiner notes that U.S. Patent No. 5,957,743 is used in the rejection as an English translation of the Japanese reference. While Applicant disagrees with the use of a U.S. Patent as an English translation of a Japanese reference and hereby objects to such use, in order to expedite prosecution, allowable claim 4 has been incorporated into independent claim 1, allowable claim 21 has been incorporated into independent claim 20 and allowable claim 23 has been incorporated into independent claim 22,

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merely for the purposes of expediting prosecution and not with respect to any of the cited references.

Therefore, as Applicant has incorporated subject matter indicated to be allowable into each of the independent claims for the sole purpose of expediting prosecution, Applicant respectfully submits that all pending claims are in condition for allowance. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Laura L. Lee, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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Amendment dated October 6, 2003

Docket No. P-093

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and
please credit any excess fees to such deposit account.

Respectfully submitted,
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